

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39136 of 2018

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Rakesh Kumar, Son of Basu Rai, Resident of Village- Rustampur, P.S.-
Raghopur, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

4 24-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under 30(a) of the Bihar Prohibition and
Excise Act, 2016.

44.28 litres of foreign liquor and 120 litres of
country made liquor are said to have been recovered from the
tempo of the petitioner and the petitioner who happens to be its
driver was apprehended while three other accused persons
managed to escape.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the
conscious physical possession of the petitioner. He has no concern



with the seized liquor. He happens to be driver of the said vehicle and on the way to Anisabad three persons boarded on his tempo with luggage. While he arrived near Mithapur Bus Stand and was waiting for some more passengers, in the meantime aforesaid three persons managed to escape seeing the police party leaving their bags in the tempo. Petitioner had no knowledge of keeping of the liquor in the bag by the said commuters. He has been falsely implicated in the case. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 08.05.2018.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna in connection with Special Case No. 4356 of 2018 arising out of P.R. (Jakkanpur) P.S. Case No. 30 of 2018.

(Prakash Chandra Jaiswal, J)

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